

Statement of the substance of the interview

A telephonic interview has taken place between the Examiner Anthony Weier and Patent Agent Louise G. Bernier on October 8th, 2008.

An agreement was not reached concerning the rejection of the claims under 35 USC §102, or under 35 USC §103(a). The differences between green tea and black tea with regards to their catechin content, as well as the meaning of the term « discarding » as preventing or not the reintroduction of the discarded material in a subsequent step was discussed. Those aspects were confronted to the view that, prior to the combination of the two extractions from the Hoogstad reference, the process disclosed by Hoogstad would allegedly anticipate or render obvious the methods of the present application. The Examiner mentioned that he would consider any amendments or arguments based on those two points allowing to distinguish the methods of the present application from the ones disclosed by Hoogstad.

Further discussion included the possibility of amending independent claim 15 to replace the term « comprising » with any one of the expressions « consisting of » or « consisting essentially of ». The Examiner mentioned that he might consider that such an amendment could overcome the Hoogstad reference, upon careful analysis.